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OLC 81-0109/25
12 May 1981

MEMORANDUM FOR: See Distribution

STAT FROM: [redacted]
Chief, Legislation Division, OLC

SUBJECT: Fiscal Year 1982 Intelligence Authorization Bill

1. Attached for your information is S. 1127, the Senate version of the Bill as reported from the Senate Select Committee on Intelligence on 6 May 1981, along with its accompanying report. Particular points of interest in the Bill include the following:

-- Section 502, amending section 303 of the National Security Act of 1947. Note especially the report language in the first full paragraph on page 7 of the report.

-- Section 503, amending the Agency's firearms authority in section 5 of the CIA Act of 1949. Note the report language on page 7 of the report.

-- Section 504, legislation relating to the unauthorized use of the CIA name, initials, or seal.

-- Section 505, benefits, allowances, and travel authority provisions. Note the report language on pages 8-10 of the report.

-- Section 510, amendments to title 18, United States Code, related to the protection of intelligence personnel.

2. The Bill also contains a number of administrative provisions related to the National Security Agency (sections 506, 507, and 508), the Federal Bureau of Investigation (section 509), and the Defense Intelligence Agency (sections 601-606).

[redacted] STAT

Attachments

See Distribution on following page.

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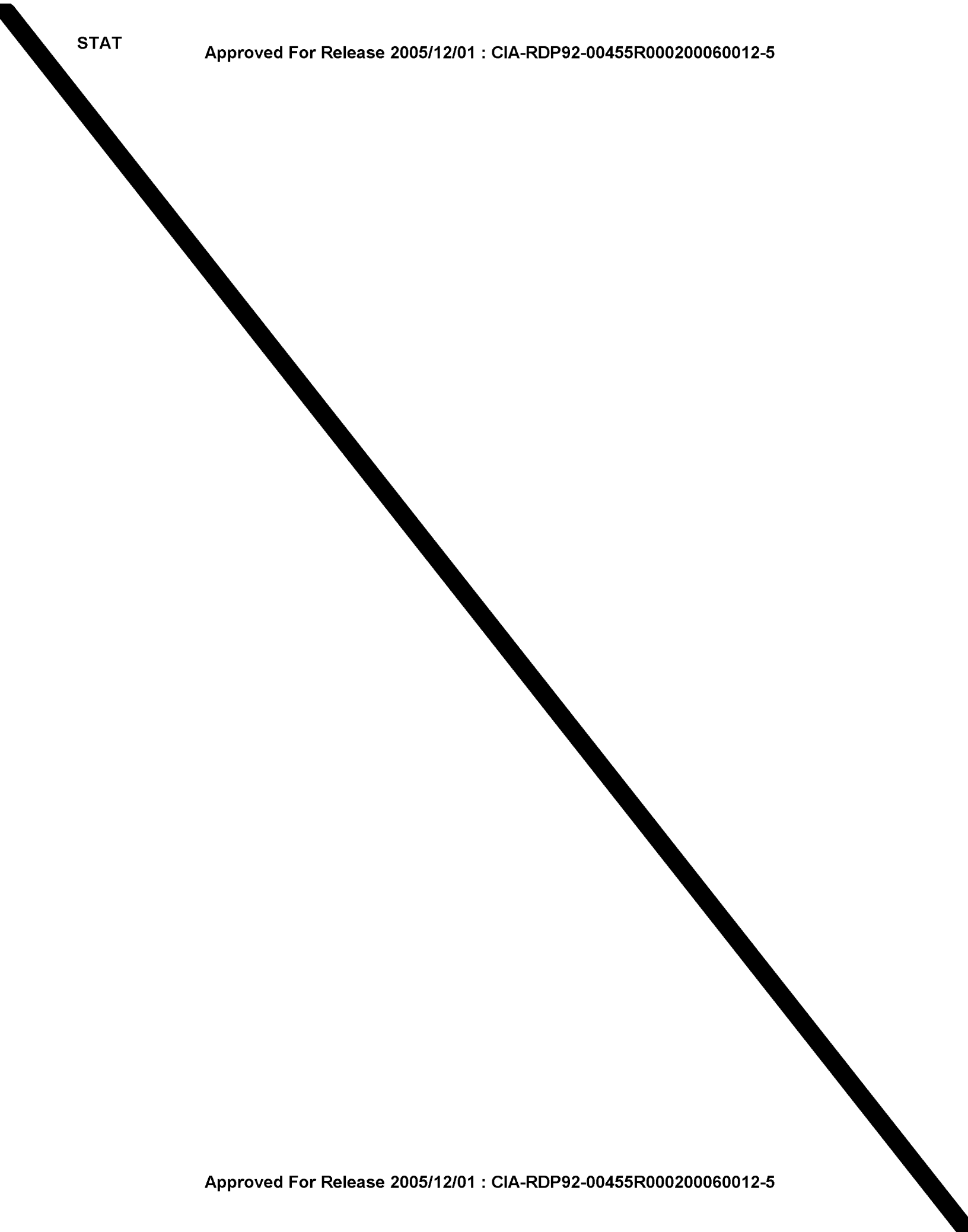

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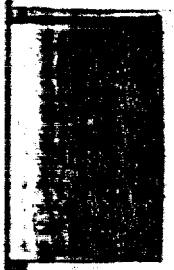

97TH CONGRESS
1ST SESSION

S. 1127

[Report No. 97-57]

To authorize appropriations for the fiscal year 1982 for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and to provide certain personnel management authorities for the Defense Intelligence Agency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6 (legislative day, APRIL 27), 1981

Mr. WALLOP (for Mr. GOLDWATER), from the Select Committee on Intelligence, reported the following original bill; which was read twice and pursuant to the order of May 5, 1981, referred jointly to the Committees on Armed Services, Governmental Affairs, and the Judiciary for the thirty-day time period provided in section 3(b) of S. Res. 400, Ninety-fourth Congress, provided that the Committee on Governmental Affairs be restricted to the consideration of title VI and that the Committee on the Judiciary be restricted to the consideration of sections 509 and 510, and provided further that if any of said committees fails to report within the thirty-day time limit, such committee shall be automatically discharged from further consideration of the bill in accordance with section 3(b) of S. Res. 400, Ninety-fourth Congress

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A BILL

To authorize appropriations for the fiscal year 1982 for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and to provide certain

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personnel management authorities for the Defense Intelligence Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That titles I through V of this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1982".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Funds are authorized to be appropriated for the fiscal year 1982 for the conduct of intelligence activities of the following departments, agencies, and other elements of the United States Government:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(b) The amounts authorized to be appropriated under this Act for the conduct of the intelligence activities of the

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agencies listed in subsection (a) are those listed in the classified Schedule of Authorizations for the fiscal year 1982 prepared by the Select Committee on Intelligence of the Senate. Such Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and the House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

(c) Authorizations of appropriations provided in this Act, shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS; PERSONNEL

SEC. 201. (a) There are authorized to be appropriated for the Intelligence Community Staff for the fiscal year 1982, $15,400,000.

(b) The Intelligence Community Staff is authorized two hundred and forty-five full-time personnel as of September 30, 1982. Such personnel may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(c) Any employee who is detailed to the Intelligence Community Staff from another element of the United States

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Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary duties as required by the Director of Central Intelligence.

(d) Except as provided in subsections (b) and (c), the activities and personnel of the Intelligence Community Staff shall be administered by the Director of Central Intelligence in accordance with the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.).

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for the fiscal year 1982, $84,600,000.

TITLE IV—SUPPLEMENTAL AUTHORIZATION FOR THE FISCAL YEAR 1981

SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

SEC. 401. In addition to funds authorized to be appropriated for the fiscal year 1981 for the conduct of intelligence activities of the United States Government, there are authorized to be appropriated supplemental funds for such fiscal year for such purpose. The amounts authorized to be appro-

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priated under this title are those listed in the classified Schedule of Supplemental Authorizations for the fiscal year 1981 prepared by the Select Committee on Intelligence of the Senate.

TITLE V—GENERAL PROVISIONS

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 501. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees, may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

ADVISORY COMMITTEES AND PERSONNEL

SEC. 502. (a) The last sentence of section 303(a) of the National Security Act of 1947 (50 U.S.C. 405(a)) is amended by striking out "at a rate not to exceed $50 for each day of service" and inserting in lieu thereof the following: "for each day of service at a rate not to exceed the daily equivalent of the rate of pay in effect for grade GS–18 under the General Schedule established by section 5332 of title 5, United States Code".

(b) Section 303(b) of the National Security Act of 1947 (50 U.S.C. 405(b)) is amended by striking out "281, 283, or 284" and inserting in lieu thereof "203, 205, or 207".

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FIREARMS AUTHORITY

SEC. 503. Section 5(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(d)) is amended to read as follows:

"(d) Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, including but not limited to the protection of classified materials and information, the training of Agency personnel in the use of firearms, the maintenance of security of Agency installations and property, and the protection of Agency personnel and of defectors, their families, and other persons in the United States under Agency auspices; and".

UNAUTHORIZED USE OF CENTRAL INTELLIGENCE AGENCY NAME, INITIALS, OR SEAL

SEC. 504. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME, INITIALS, OR SEAL

"SEC. 13. (a) No person shall, except with the written permission of the Director, knowingly use the words 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a

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manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency.

"(b) Whenever it shall appear to the Attorney General that any person is engaged or about to engage in any acts or practices which constitute or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin any such acts or practices. Such court shall proceed as soon as practicable to the hearing and determination of such action, and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section shall be governed by the Federal Rules of Civil Procedure.".

CENTRAL INTELLIGENCE AGENCY PERSONNEL ALLOWANCES, BENEFITS, AND TRAVEL

SEC. 505. (a) The Director of Central Intelligence is authorized to pay to Central Intelligence Agency officers, employees, detailees, and assignees, and their dependents, allowances and benefits authorized by chapter 9 of the Foreign Service Act of 1980 and other allowances and benefits granted by any other provision of law to the Foreign Service. The Director of Central Intelligence may pay additional

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allowances and benefits, whether or not authorized under any other provision of law, as may be necessary to meet the special requirements of work related to intelligence activities.

(b) Notwithstanding any other provision of law, the Director of Central Intelligence may prescribe regulations authorizing the travel of Central Intelligence Agency officers, employees, assignees, and detailees engaged in the performance of intelligence functions. Such regulations shall reflect the requirements of the Agency not taken into account in the formulation of Governmentwide procedures and shall provide for payment for such travel.

NATIONAL SECURITY AGENCY PERSONNEL ALLOWANCES AND BENEFITS

SEC. 506. Paragraph (1) of section 9(b) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out "paragraphs" and all that follows and inserting in lieu thereof the following: "chapter 9 of the Foreign Service Act of 1980 or under any other provision of law applicable to the Foreign Service, or by the Director of Central Intelligence to personnel serving in similar circumstances; and".

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UNAUTHORIZED USE OF NATIONAL SECURITY AGENCY NAME, INITIALS, OR SEAL

SEC. 507. The National Security Agency Act of 1959 is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME, INITIALS, OR SEAL

"SEC. 12. (a) No person shall, except with the written permission of the Director of the National Security Agency, knowingly use the words 'National Security Agency', the initials 'NSA', the seal of the National Security Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the National Security Agency.

"(b) Whenever it shall appear to the Attorney General that any person is engaged or about to engage in any acts or practices which constitute or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin any such acts or practices. Such court shall proceed as soon as practicable to the hearing and determination of such action, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose

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